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EXAMINER

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ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/473,136</b>	Applicant(s) <b>Bergert</b>
	Examiner <b>Alexander Kalinowski</b>	Art Unit <b>3626</b>
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Mar 30, 2003</u>		
2a) <input checked="" type="checkbox"/> This action is <b>FINAL</b> .      2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-21</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-21</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

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## **DETAILED ACTION**

1. Claims 1-21 are presented for examination. Of originally filed claims 1-20, Applicant filed an amendment on 3/30/2003, amending claims 1, 2, 17 and 18 and adding new claim 21. In light of Applicant's amendment, the Examiner withdraws the rejection of claims 1-20 based on 35 USC 103. However, new grounds of rejection of claims 1-21 are established in the instant office action as set forth in detail below. Since the new grounds of rejection of claims 1-21 were necessitated by Applicant's amendment, the instant office action is a final rejection of claims 1-21.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. The Examiner notes that Applicant amended independent claims 1, 17 and 18 adding a limitation that was not present in originally filed claims 1-20. The Examiner conducted a new search for prior art due to Applicant's amendment to independent claims 1, 17, and 18. Newly found prior art was used to establish new grounds of rejection of claims 1-21 as set forth in detail in the next section below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davies et al.. Pat. No. 5,596,636 in view of Durand et al., Pat. No. 6,272,467 (hereinafter Durand).

As to claim 1, Davies discloses a method of arranging a recreational outing for participants, implemented by a server application (see Fig. 1 and abstract), comprising the steps of:

a) providing a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility (i.e. golf course host computer database ... reservation date and time ...)(Fig.1 and col. 3, lines 33-39 and col. 4, lines 20-35);

b) receiving a selection from a first one of said participants using a client application of a selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

Davies does not explicitly disclose said database further including profile information for a plurality of participants, said profile information for each of said plurality of participants including at least one element

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- c) receiving indication information including a selection from said first participant of at least one element corresponding to an element of said profile information of at least one additional participant;
- d) determining a subset of participants from said database of participants having said profile element; and
- e) communicating said selection to said subset of participants (i.e. links to the matches)(col. 8, lines 17-21.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Durand discloses said database further including profile information for a plurality of participants, said profile information for each of said plurality of participants including at least one element (i.e. profile database, preference subrecord)(col. 7, lines 46-51). In addition, Durand discloses receiving indication information including a selection from said first participant of at least one element corresponding to an element of said profile information of at least one additional participant (i.e. ... communicate traits he or she desires in a match .. Profile database (see Fig. 3B and col. 6, lines 25-45). Furthermore, Durand discloses determining a subset of participants from said database of participants having said profile element (col. 6, lines 35-40 and col. 18, lines 15-22). Finally, Durand discloses communicating said selection to said subset of participants (col. 19, lines 32-49). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said database further including profile information for a plurality of

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participants, said profile information for each of said plurality of participants including at least one element, c) receiving indication information including a selection from said first participant of at least one element corresponding to an element of said profile information of at least one additional participant, d) determining a subset of participants from said database of participants having said profile element; and e) communicating said selection to said subset of participants as disclosed by Durand within the Davies method for the motivation of matching traits with corresponding preferences that insures that only matches with the highest degree of compatibility are made (col. 2, lines 58-66).

As to claim 2, Davies does not explicitly disclose the method of claim 1 wherein said element is an element taken from the group of elements consisting of : a hobby, an occupation, an age range, a gender, an income level.

However, Durand discloses said element is an element taken from the group of elements consisting of : a hobby, an occupation, an age range, a gender, an income level (i.e. maximum-age, minimum\_age)(Fig. 3b). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include grouping players according to their profiles as disclosed by Durand within Davies for the motivation of matching traits with corresponding preferences that insures that only matches with the highest degree of compatibility are made (col. 2, lines 58-66).

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As to claim 9, Davies discloses the method of claim 1 wherein said activity is golf and said at least one recreational facility is a golf course facility (see abstract).

As to claim 10, Davies discloses the method of claim 1 including, between steps © and (d), the step of receiving instructions from said first participant using a client application to book a reservation for the time and date and facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40) .

As to claim 11, Davies discloses the method of claim 10 including the further step of communicating said booked reservation to said facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40) .

5. Claims 3, 5, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Durand as applied to claim 1 above, and further in view of Zhang et al., Pat. No. 6,016,478 (hereinafter Zhang).

As to claim 3, Davies and Durand do not explicitly disclose the method of claim 1 wherein said indication information includes an electronic mail address of at least one other participant.

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However, Zhang discloses said indication information includes an electronic mail address of at least one other participant (see Fig. 5E and col. 11, lines 57-59). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said indication information includes an electronic mail address of at least one other participant as disclosed by Zhang within the Davies and Durand method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 5, Davies and Durand do not explicitly disclose the method of claim 1 wherein said step of communicating said selection includes providing information as to the identity of said first participant.

However, Zhang discloses said step of communicating said selection includes providing information as to the identity of said first participant (see Fig. 5E and col. 11, lines 57-59). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include step of communicating said selection includes providing information as to the identity of said first participant as disclosed by Zhang within the Davies and Durand method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 12, Davies discloses the method of claim 1 including the further steps of (f) receiving instructions from said first participant using a client application to book a reservation for

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the time and date and facility connected with said selection option (i.e. reservation time and date ...)(col. 4, lines 20-30).

Davies and Durand do not explicitly disclose

(e) receiving acceptance information from said at least one other participant using a client application.

However, Zhang discloses receiving acceptance information from said at least one other participant using a client application (i.e. receiving user can now simply respond to the form, whereupon his or her answer is transmitted back to the sender)(col. 46, lines 16-23). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include (e) receiving acceptance information from said at least one other participant using a client application as disclosed by Zhang within the Davies and Durand method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 13, Davies discloses the method of claim 12 including the further step of communicating said booked reservation to said facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

As to claim 14, Davies and Durand do not explicitly disclose the method of claim 1 including, between steps (b) and (c), the step of creating an event reply page responsive to said

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selection, said event reply page having available slots, and wherein step (d) includes sending an electronic mail message to said at least one other participant providing a link to the event reply page.

However, Zhang discloses the step of creating an event reply page responsive to said selection, said event reply page having available slots (i.e. HTML form as a scheduling invitation ... the accept and decline responses are mapped to HTML buttons)(col. 44, line 63 - col. 45, line 20). Furthermore, Zhang discloses includes sending an electronic mail message to said at least one other participant providing a link to the event reply page )(see Fig. 13 and col. 44, line 63 - col. 45, line 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include between steps (b) and (c), the step of creating an event reply page responsive to said selection, said event reply page having available slots, and wherein step (d) includes sending an electronic mail message to said at least one other participant providing a link to the event reply page as disclosed by Zhang within the Davies and Durand method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 16, Davies and Durand do not explicitly disclose the method of claim 14 including the further step of receiving one or more reply confirmations from said at least one other participant using a client application.

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However, Zhang discloses receiving one or more reply confirmations from said at least one other participant using a client application (i.e. receiving user can now simply respond to the form, whereupon his or her answer is transmitted back to the sender)(col. 46, lines 16-23). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the further step of receiving one or more reply confirmations from said at least one other participant using a client application as disclosed by Zhang within the Davies and Durand method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of Zhang and web site information found at GolfAgent web site (hereinafter GolfAgent).

As to claim 17, Davies discloses a computer system for arranging a golf outing for a plurality of participants (see abstract and Fig. 1), comprising:  
a network to which a first one of said participants and at least one other participant have access and across which said provider and said participants can communicate information using respective client systems (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(\see Fig. 1 and col. 4, lines 3-11 and 20-40); and

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a server application operable to communicate information across the network, said server application operable to:

provide a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility (i.e. database 16)(Fig. 1 and col. 3, lines 37-44 and col. 4, lines 21-26);

receive a selection from said first participants using a client application of a selection option (i.e. sends first option to the system)(col. 4, lines 30-40).

Davies does not explicitly disclose

receive indication information from said first participant using a client application, said indication information including information necessary for said server application to notify said at least one other participant of said selection; and,

communicate said selection to said at least one other participant.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Zhang discloses receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection (i.e. allows users to select participants)(Fig. 5E and col. 11, lines 54-61). Furthermore, Zhang discloses communicating said selection to said at least one other participant (i.e. sending to desired participants an initial meeting message)(col. 6, lines 16-40). It

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would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include c) receiving indication information from said first participant using a client application, said indication information including information necessary for said server application to notify at least one other participant of said selection and d) communicating said selection to said at least one other participant as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

Davies and Zhang do not explicitly disclose providing simultaneous access to said participants to reservation information related to a plurality of recreational facilities.

However, GolfAgent discloses providing simultaneous access to said participants to a database of reservation information related to a plurality of recreational facilities (Easy golf tee time bookings on the Internet, page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include providing simultaneous access to said participants to reservation information related to a plurality of recreational facilities as disclosed by Golf Agent within Davies and Zhang for the motivation of enabling Internet users to book tee times at a wide range of golf courses (Easy golf tee time bookings on the Internet, page 1).

As to claim 18, Davies discloses a computer system for arranging a recreational outing for a plurality of participants (see Fig. 1 and abstract), comprising:

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means for providing reservation information to a plurality of participants (i.e. database 16 ... sends confirmation information from the host computer for display to the user)(col. 4, lines 30-40); means for a first participant to select a desired reservation (see Fig. 2).

Davies does not explicitly disclose

means for said first participant to pre-populate a list of electronic mail addresses for at least one additional participant,

means for notifying said list of an invitation to join said first participant at said desired reservation; and

means for said at least one additional participant from said list to confirm acceptance of said invitation to join.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Zhang discloses means for said first participant to pre-populate a list of electronic mail addresses for at least one additional participant (see Fig. 5E). Zhang also discloses means for notifying said list of an invitation to join said first participant at said desired reservation i.e. sending to desired participants an initial meeting message)(col. 6, lines 16-40). Finally, Zhang discloses means for said at least one additional participant from said list to confirm acceptance of said invitation to join (i.e. HTML form as a scheduling invitation ... the accept and decline responses are mapped to HTML buttons)(col. 44, line 63 - col. 45, line 20). It would have been obvious to one of ordinary

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skill in the art at the time of Applicant's invention to include means for said first participant to pre-populate a list of electronic mail addresses for at least one additional participant, means for notifying said list of an invitation to join said first participant at said desired reservation; and means for said at least one additional participant from said list to confirm acceptance of said invitation to join as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

Davies and Zhang do not explicitly disclose

means for providing simultaneous access to and means to select a desired reservation from said reservation information for a plurality of recreational facilities.

However GolfAgent discloses means for providing simultaneous access to and means to select a desired reservation from said reservation information for a plurality of recreational facilities (Easy golf tee time bookings on the Internet, page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for providing simultaneous access to and means to select a desired reservation from said reservation information for a plurality of recreational facilities as disclosed by Golf Agent within Davies and Zhang for the motivation of enabling Internet users to book tee times at a wide range of golf courses (Easy golf tee time bookings on the Internet, page 1).

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As to claim 19, Davies discloses the computer system of claim 18 further including means for said first participant to book said selected reservation (i.e. user enters reservation time and date ...)(col. 4, lines 20-30).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over GolfAgent in view of Davies and Zhang.

As to claim 21, GolfAgent discloses a method of arranging a recreational outing for participants, comprising the steps of (i.e. Golf Club Bookings via the Internet:)(Golf Agent" Welcome Page, page 1)

a) providing a web site including reservation information for a plurality of recreational facilities, said site further including selection information, said selection information including a time and date for an activity of at least one of said recreational facilities (i.e. how to book)(Easy Golf Tee Time Bookings on the Internet, page 1);

b) providing a plurality of said participants with simultaneous access to said reservation information and said selection information facilities (Easy Golf Tee Time Bookings on the Internet, page 1);

c) upon receiving a request from one of said participants, retrieving and transmitting to said first participant selection information pertaining to at least one available reservation facilities (i.e. how to book)(Easy Golf Tee Time Bookings on the Internet, page 1);

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d) receiving a selection from said participant from said selection information in c)facilities (i.e. how to book)(Easy Golf Tee Time Bookings on the Internet, page 1);

GolfAgent does not explicitly disclose

a database of reservation information for a recreational facility.

However, Davies discloses a database of reservation information for a recreational facility (i.e. golf course host computer database ... reservation date and time ...)(Fig.1 and col. 3, lines 33-39 and col. 4, lines 20-35). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a database of reservation information for a recreational facility as disclosed by Davies within GolfAgent for the motivation of simultaneous access to reservation information (col. 2, lines 1-5 and col. 4, lines 3-11).

GolfAgent and Davies do not explicitly disclose

e) receiving indication information from said first participant, said indication information including information necessary to notify at least one other participant of said selection; and

f) communicating said selection to said at least one other participant.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Zhang discloses receiving indication information from said first participant, said indication information including information necessary to notify at least one other participant of said selection (i.e. allows users to select participants)(Fig. 5E and col. 11, lines 54-61). Furthermore, Zhang discloses communicating said selection to said at least one other participant (i.e. sending to desired

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participants an initial meeting message)(col. 6, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include e) receiving indication information from said first participant, said indication information including information necessary to notify at least one other participant of said selection and f) communicating said selection to said at least one other participant as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Durand as applied to claim 1 above, and further in view of Kasavana, Michael L, "Making more hours in the day"(hereinafter Kasavana).

As to claim 4, Davies discloses the method of claim 1 wherein said step of communicating said selection includes providing information as to the time and date of said selection (i.e. reservation time and date ...)(col. 4, lines 20-30).

Davies and Durand do not explicitly disclose

communicating said selection includes providing information as to the facility location of said selection.

However, Kasavana discloses communicating said selection includes providing information as to the facility location of said selection ((i.e. typically, the system prompts the member for their ... desired start time and course specification)(page 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include

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communicating said selection includes providing information as to the facility location of said selection as disclosed by Kasavana within the Davies and Durand combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Durand as applied to claim 1 above, and further in view of Diaz, Christina Valdez, "Road Warriors plot their course early"(hereinafter Diaz).

As to claim 6, Davies and Durand do not explicitly disclose the method of claim 1 wherein said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility.

However, Diaz discloses said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility (i.e. area map)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility as disclosed by Diaz within the Davies and Durand combination for the motivation of finding a golf course in an unfamiliar city (page 2, paragraphs 1 and 2).

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As to claim 7, Davies and Durand do not explicitly disclose the method of claim 1 wherein said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule.

However, Diaz discloses said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule (i.e. cost)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule as disclosed by Diaz within the Davies and Durand combination for the motivation of finding a golf course in an unfamiliar city (page 2).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Durand and Diaz as applied to claim 7 above, and further in view of Examiner's use of Official Notice.

As to claim 8, Davies, Durand and Diaz do not explicitly disclose the method of claim 7 wherein said pricing schedule includes prices which vary depending upon the hour of the reservation selection, and wherein said step of communicating said selection includes providing information as to the time and price of said selection, said price being determined by the associated time of the selection.

However, the Examiner takes official notice that it was well known in the reservation arts to vary prices of scheduled events according to whether the booked event was scheduled to occur

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during prime time (i.e. peak demand) or off demand. The purpose of varying the prices of the reserved event was to maximize the revenue stream generated by reservations over a period of time by increasing the price of the event when demand is at its greatest and people are willing to pay more for a reservation while lowering the price during off peak hours when the demand for the event is reduced. For example, theaters vary ticket prices to a movie according to the time of day that the movie is scheduled to be shown. Matinee tickets are lower priced tickets for those times the movie is shown when demand for the tickets is reduced, typically before 6 pm. Movie ticket prices for the same movie shown after matinee hours are higher since customers are more apt to attend movies in the evening for convenience sake even though ticket prices are higher. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said pricing schedule includes prices which vary depending upon the hour of the reservation selection, and wherein said step of communicating said selection includes providing information as to the time and price of said selection, said price being determined by the associated time of the selection within the Davies, Durand and Diaz combination for the motivation of maximizing the revenue stream generated by reservations over a period of time.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Durand as applied to claim 14 above, and further in view of Kasavana.

As to claim 15, Davies and Durand do not explicitly disclose the method of claim 14 wherein said event reply page includes at most three available slots.

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However, Kasavana discloses a golf scheduling system based on accepting reservations for foursomes thereby disclosing the requirement of the system to define a reservation that includes four members (page 6, paragraph 3). Furthermore, Kasavana discloses that a reservation can be entered by entering the names of the members of a group. Therefore, Kasavana discloses that for a valid reservation to be accepted, besides the first participant, at most three additional participants may be added to the reservation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said event reply page includes at most three available slots as taught by Kasavana within the Davies and Durand combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

12. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Zhang and GolfAgent as applied to claim 18 above, and further in view of Kasavana.

As to claim 20, Davies, Zhang, and GolfAgent do not explicitly disclose the system of claim 18 wherein said means for confirming acceptance is limited to receiving at most three acceptances.

However, Kasavana discloses a golf scheduling system based on accepting reservations for foursomes thereby disclosing the requirement of the system to define a reservation that includes four members (page 6, paragraph 3). Furthermore, Kasavana discloses that a reservation can be entered by entering the names of the members of a group. Therefore, Kasavana discloses that for a valid reservation to be accepted, besides the first participant, at most three additional

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participants may be added to the reservation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said means for confirming acceptance is limited to receiving at most three acceptances as taught by Kasavana within the Davies, Zhang, and GolfAgent combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Patent Examiner

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May 31, 2003

## **Recent Statutory Changes to 35 U.S.C. § 102(e)**

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at [www.uspto.gov](http://www.uspto.gov) or call the Office of Patent Legal Administration at (703) 305-1622.